

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO SENTENCING MINUTE SHEET													
CR No: 20-1696 WJ				USA vs. Atcitty									
Date: 9/10/2021				Name of Deft: Simeon Atcitty									
Before the Honorable: Chief District Judge William P. Johnson													
Time In/Out:		2:00pm – 2:58pm				Total Time in Court (for JS10):				58 minutes			
Clerk:		R. Garcia				Court Reporter:				M. Loughran			
AUSA:		Nicholas Marshall				Defendant's Counsel:				Stephen Taylor			
Sentencing in:		Albuquerque, NM - Zoom				Interpreter:				N/A			
Probation Officer:		David Rhodes				Interpreter Sworn?				Yes		No	
Convicted on:		<input checked="" type="checkbox"/> Plea		<input type="checkbox"/> Verdict		As to:		<input type="checkbox"/> Information		<input checked="" type="checkbox"/> Indictment			
If Plea:		<input checked="" type="checkbox"/> Accepted		<input type="checkbox"/> Not Accepted		Adjudged/Found Guilty on Counts: Indictment							
If Plea Agreement:		<input checked="" type="checkbox"/> Accepted		<input type="checkbox"/> Not Accepted		<input type="checkbox"/> No Plea Agreement		Comments: 11(c)(1)(C) Plea Agreement					
Date of Plea/Verdict:		4/8/2021		PSR: <input checked="" type="checkbox"/>		<input type="checkbox"/> Not Disputed		<input type="checkbox"/> Disputed		Courts adopts PSR Findings			
Evidentiary Hrg:		<input checked="" type="checkbox"/> Not Needed		<input type="checkbox"/> Needed		Exceptions to PSR:							
SENTENCE IMPOSED				Imprisonment (BOP):		108 months							
Supervised Release:		5 years						Probation:					
REC		<input checked="" type="checkbox"/>		500-Hour Drug Program and any educational/vocational training programs available through BOP.				BOP Sex Offender Program		Other:			
ICE		Court recommends ICE begin removal proceedings immediately or during service of sentence										ICE not applicable	
SPECIAL CONDITIONS OF SUPERVISION													
<input type="checkbox"/> No re-entry without legal authorization				<input checked="" type="checkbox"/> Home confinement for _____ months _____ days									
<input type="checkbox"/> Comply with ICE laws and regulation				<input checked="" type="checkbox"/> Community service for 50 hours									
<input checked="" type="checkbox"/> Participate in outpatient substance abuse treatment program				<input type="checkbox"/> Reside halfway house _____ months _____ days									
<input checked="" type="checkbox"/> Submit to substance abuse testing not to exceed 60 test per year				<input type="checkbox"/> Undergo a sex offense-specific assessment and participate in sex offender treatment program, if deemed necessary									
<input type="checkbox"/> Participate in/successfully complete mental health program				<input type="checkbox"/> If recommended in the sex offense-specific assessment, you must begin attending and participating in sex offender treatment consistent with the recommendations of the evaluation									
<input type="checkbox"/> take all mental health medications that are prescribed by your treating physician				<input type="checkbox"/> Register as sex offender									
<input checked="" type="checkbox"/> Must not use/possess alcohol and submit to no more than 4 tests a day				<input type="checkbox"/> Participate in sex offender treatment program									
<input checked="" type="checkbox"/> Submit to search of person/property				<input type="checkbox"/> Possess no sexual material									
<input checked="" type="checkbox"/> No contact with victim's family				<input type="checkbox"/> No computer with access to online services									
<input type="checkbox"/> No entering or loitering near victim's residence				<input type="checkbox"/> No contact with children under 18 years									
<input type="checkbox"/> Provide financial information				<input type="checkbox"/> No volunteering where children supervised									
<input checked="" type="checkbox"/> Waive right of confidentiality for treatment providers				<input type="checkbox"/> Restricted from occupation with access to children									
<input checked="" type="checkbox"/> Must not knowingly use or possession of synthetic cannabinoids, etc.				<input type="checkbox"/> No loitering within 100 feet of school yards									
<input type="checkbox"/> No possession of a firearm, ammunition, destructive device or any other dangerous weapon				<input type="checkbox"/> Participate in an educational/vocational program									
<input type="checkbox"/> You must not possess, sell, offer for sale, transport, cause to be transported, cause to affect interstate commerce, import, or export any drug paraphernalia				<input type="checkbox"/> Participate in anger management/parenting/domestic violence program									
OTHER:													
Fine: \$		0.00 (community service imposed)				Restitution: \$		0.00; The Court finds the Mandatory Restitution Act of 1996 is applicable in this case. However, restitution has not yet been determined. Therefore, the Court will keep restitution open and establish a restitution amount					

			and schedule at a later date.
SPA: \$	100.00	Payment Schedule:	<input checked="" type="checkbox"/> Due Immediately <input type="checkbox"/> Waived
OTHER:			
	Advised of Right to Appeal	<input checked="" type="checkbox"/>	Waived Appeal Rights per Plea Agreement
<input checked="" type="checkbox"/>	Remanded into custody		Voluntary Surrender
	Recommended place(s) of incarceration:		
	Dismissed Counts:		
<p>OTHER COMMENTS:</p> <p>The Defendant waives his personal appearance and consents to a video conference hearing. Mr. Taylor advises PSR reviewed with his client; no objections/corrections. Mr. Marshal advises no objections to PSR. The Court notes the parties have entered into an 11(c)(1)(C) plea agreement; asks the Government to address the basis for entering into 11(c)(1)(C) plea agreement; Mr. Marshal responds in support of plea agreement. Victim's family address the Court. Mr. Taylor addresses the Court on behalf of his client; requests that Dr. Demier's Report be included in BOP packet; requests that the Court accept the parties' plea agreement to a term of 108 months. Defendant addresses the Court. The Court approves Mr. Taylor's request and directs Probation to include Dr. Demier's Report in BOP packet. Mr. Taylor requests time to confer w/his client re what BOP facility to have the Court recommend; PO notes facilities in Arizona. The Court will hold off on entering the judgment and directs Mr. Taylor to advise CRD what facility Defendant would like a recommendation for. Mr. Taylor requests that his client's High School transcript be sent to BOP as well; Court directs Mr. Taylor to send the transcript to PO Borland for forwarding to BOP.</p>			